

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, claims 1-3 and 9 are amended and new claims 11-20 are added. Various amendments may be made to the claims for clarity and are unrelated to issues of patentability.

Applicant gratefully acknowledges the Office Action's indication that claims 5-10 contain allowable subject matter.

The Office Action appears to object to claim 2. It is respectfully submitted that the above amendment to claim 2 obviates the ground for objection.

The Office Action rejects claims 1-4 under 35 U.S.C. §102(b) by U.S. Patent 5,311,511 to Reilly et al. (hereafter Reilly). The rejection is respectfully traversed.

Independent claim 1 recites an elastic store, a pattern generator, a modulation sequencer and a phase level detector. Independent claim 1 further recites that the modulation sequencer outputs signals representative of a digital signal wave having a constant period and amplitude, wherein the output signals include a signal indicative of an amplitude of the digital signal wave and a signal indicative of a direction of the digital signal wave.

Reilly does not teach or suggest at least these features of independent claim 1. That is, Reilly does not teach or suggest the modulation sequencer as recited in independent claim 1. For example, the Office Action relies on Reilly's DDS REFERENCE CLOCK (Figure 5) or REFERENCE CLOCK (Figure 11) as corresponding to the claimed modulation sequencer. However, these features (as well as the discussion at column 6, lines 65-68) do not teach or

suggest a modulation sequencer that outputs signals that include a signal indicative of an amplitude of a digital signal wave and a signal indicative of a direction of the digital signal wave. Accordingly, independent claim 1 defines patentable subject matter.

Each of independent claims 11 and 18 define patentable subject matter at least for similar reasons. That is, independent claim 11 recites a modulation sequencer to output signals representative of a digital signal wave to the phase level device, the output signals including at least an amplitude signal and a slope signal. Furthermore, independent claim 18 recites an elastic store device to store data, a modulation sequencer device to output signals representative of a digital signal, and a device to receive the signals output from the modulation sequencer device and to control a data read speed from the elastic store device. Independent claim 18 further recites the signals output from the modulation sequencer device include signals indicative of a slope of a digital signal or amplitude of the digital signal. For at least similar reasons as set forth above, Reilly does not teach or suggest the modulation sequencer in combination with the other features as recited in independent claim 11. Reilly also does not teach or suggest the modulation sequencer device in combination with the other features as recited in independent claim 18. Accordingly, each of independent claims 11 and 18 define patentable subject matter.

Claims 2-10 depend from claim 1, claims 12-17 depend from claim 11 and claims 19-20 depend from claim 18 and therefore define patentable subject matter at least for this reason. In addition, the dependent claims also recite features that further and independently distinguish over the applied references.

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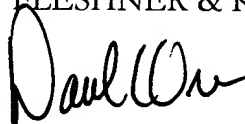
Docket No. P-0239

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-20 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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